

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building – Selectmen's Meeting Room
100 Maple Avenue
Monday, December 2, 2002 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux and Daniel Morgado, Town Manager. Mr. Fiore, Chairman, called the meeting to order at 7:02 pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0341 in the amount of \$1,394,316.87, #0343 in the amount of \$274,853.24, #0344 in the amount of \$17,378,467.88 and #0346 in the amount of \$1,303,135.08. Motion was made, seconded and unanimously voted to approve.
2. Approve Minutes of November 18, 2002. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Lebeaux said that the Light Dept. had two programs running at this time. 1) Share the Warmth Program which offers assistance for residents in need with funding for heat and hot water through the coming months. 2) Santa's Toy Chest which is run through St. Anne's. New, unwrapped toys may be dropped off at the Light Dept. offices Monday through Friday from 8:00am-5:00pm through December 20th. Those contributing will receive a voucher for a pay-per-view movie. Mr. Fiore announced that the 275th Anniversary will be holding the official birthday celebration which involves the time capsule in the High School auditorium on December 15th at 2:00pm. Items from 2000-2002 for the time capsule may be dropped off at the library.
4. Town Manager's Report - Nothing other than what is on the Agenda.

Meetings

Hearings:

5. 7:15pm – Bugaboo Creek Holdings, Inc. d/b/a Bugaboo Creek Steak House, 50 Boston Turnpike. Change of manger from Donald G. Bernhard, Jr. to Joseph M. Enos, Jr. for existing All Alcoholic Beverages Pouring License and Common Victualler's License. Mr. Enos and Barry Gerstein of Aries Associates representing the corporation were present. Mr. Gerstein explained that there no changes were being requested other than a change of manager and reviewed Mr. Enos' qualifications for the position of manager. Mr. Fiore added that reports from department managers and a CORI were all favorable and opened the hearing to the public. As there was no public comment motion was made, seconded and unanimously voted to close the hearing. Motion was made, seconded and unanimously voted to approve the application as stated for a change of manger for Bugaboo Creek Steak House. Motion was seconded and unanimously approved.
6. 7:30pm – BUCA Restaurants 3, Inc. d/b/a Vinny Testa's, 7 Boston Turnpike. Pledge of Corporate Stock for purpose of refinancing for existing All Alcohol Beverages Pouring License. Trish Farnsworth, attorney for BUCA Restaurants 3, was present. She explained that this was a general corporate financing with no other changes. Mr. Fiore advised the reports from department heads were favorable and opened the hearing to the public. No public comment was received. Motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the pledge of corporate stock for refinancing as stated in the application. Motion was seconded and unanimously approved.
7. 7:45pm – Roger Noll d/b/a Noll's Auto Sales, 356 Boston Turnpike, Class II and Commercial Garage. Hours of Operation: Sales Monday-Saturday 8:00am-8:00pm; Service Monday-Saturday 8:00am-8:00pm. Mr. Noll was present. Mr. Fiore recused himself from the hearing due to appearance of possible conflict of interest. Mr. DePalo assumed the chair and advised that the ZBA reported that a hearing is required for a variance for this license. All other reports from department heads were favorable. He also informed the applicant that an unfavorable CORI had been received and asked him if he wished to exercise his option for an Executive Session or open session. Mr. Noll responded that he did not want an Executive Session. Mr. Noll proceeded to outline his plans for the property. Mr. DePalo asked if he was aware of the Board policy limiting Class II licenses to twenty in Shrewsbury and added that there are presently twenty-one active licenses in town. Mr. Noll said he was aware of the policy. Other Board members asked questions regarding signage, access to route 9, number of vehicles, parking, etc.

After a discussion, the Board decided to table a decision until the December 16th meeting. This application will be continued for discussion on December 16th under Old Business.

Old Business:

8. Psychic Vision, 431 Boston Turnpike, Paul John owner. Fortune Teller's License, Hours of Operation Monday-Saturday 10:00am-7:00pm. Mr. Fiore reviewed the hearing for the applicant held on November 18th. At that time, the Board had closed the hearing and tabled the decision for further discussion. Mr. Fiore added that it had been learned today that the applicant's current home address is in Natick. Mr. Lebeaux stated he had done some research and found that MGL Chapter 140 section 185I states in part "No person shall tell fortunes for money unless a license therefore has been issued by the local licensing authority. Said license shall be granted only to applicants who have resided continuously in the city or town in which the license is sought for at least twelve months immediately preceding the date of the application." Following a short discussion, Mr. DePalo moved to deny the application of Psychic Visions, 431 Boston Turnpike citing MGL Chapter 140, section 185I which specifically states that a licensee has to be a resident for the twelve months preceding application and the applicant made an incoherent and very incomplete presentation as to how his business was going to run and didn't feel it was an adequate presentation to justify granting a license. Motion was seconded and unanimously voted.
9. Sign Traffic Rules & Orders – Stop Sign at O'Donnell Avenue and Audubon Drive. Motion was made, seconded and unanimously to sign the Traffic Rules and Orders enacting a stop sign at O'Donnell Avenue and Audubon Drive. Motion was seconded and unanimously voted.

New Business:

10. Shrewsbury Electric Light Department recommends two (2) 70-watt high-pressure sodium light fixtures to be installed on plan entitled "Jamie Lane" dated 1/25/00. Cost to the Town would be \$30.73 per light totaling \$61.46. Motion was made, seconded and unanimously voted to approve.
11. Struck Catering, 130 Hamilton Street, Worcester. One Day All Alcohol License for an Event at Hoagland-Pincus Conference Center, 222 Maple Avenue, Saturday, December 7, 2002 from 6:00pm-11:00pm. Motion was made, seconded and voted four in favor with Mr. Card abstaining to approve the application.
12. Univ. of Mass. Medical School, Dept. of Cont. Educ., 222 Maple Avenue. One Day All Alcohol License for Emerald Club Event, Thursday, January 16, 2003, 5:00pm-10:00pm. Motion was made, seconded and unanimously voted to approve the application.

Mr. DePalo stated that he would like to have two items added for future discussion under New Business. He would like to have the Fire Chief come in to discuss the strategic plan. He also would like to have Class I development in town added to the future discussion already on the Agenda for Class II. These topics will be added under Future items on the Agenda.

Executive Session:

13. Collective bargaining and real property. Motion was made, seconded, and unanimously voted to adjourn into executive session at 8:17 pm and not to reconvene for the purpose of discussion of real property. The Board was polled, Mr. Hammond, yes, Mr. Card, yes, Mr. DePalo, yes, Mr. Lebeaux, yes, and Mr. Fiore, yes.

Communications:

14. Noted copy mailed: Letter from Nancy Corkum, The Montessori Center, re relocation of construction fence. Mr. DePalo advised the Board that this had been done.
15. Noted copy mailed: Letter from Jack Perreault re Intel Fund to Support Groundwater Recharge Projects.
16. Noted copy mailed: Notice of MBTA Draft FY2003-FY2008 Capital Investment Program hearings.
17. Noted copy mailed: USFilter Monthly Compliance Report, October 2002.
18. Noted copy mailed: Letter from Angela Snell re resignation from Shrewsbury Cultural Council. This committee is now down to nine members and twenty-two members are allowed. Anyone interested in serving should contact the BOS office.
19. Noted copy mailed: Notice of Audit Request for Site Inspection from DEP re Flynn's Truck Stop.
20. Noted copy mailed: Chapter 11 notice re Discovery Zone, Inc.
21. Noted copy mailed: Request to make Greylock Avenue a public street from Joy Buck, 11 Greylock Avenue. This request does not comply with policy as it needs 50% of residents on street to sign. Mr. Fiore will respond and advise Ms. Buck of the policy and procedure.

22. Noted copy mailed: Mass. Dept. of Revenue Bulletin 2002-15B re FY04 Changes to Cherry Sheet Assessments. Charter school and school choice is now included on Cherry Sheet.
23. Noted copy mailed: Notice from Exec. Office of Adm. & Finance re Availability for Transfer - 3 Dioramas of 1775 Battle of Lexington & Concord.
24. Noted copy mailed: Thank you letter from Ternberry Neighborhood Association.
25. Noted copy mailed: Mr. Morgado's response to notice of surplus state-owned property in Shrewsbury.
26. Noted copy mailed: Notice from MMA adoption of 2003-2004 legislative package and Local Government Bill Signing Day.
27. Noted copy mailed: Memo from Dept. of Housing & Community Development re FY2003 Cold Relief Brochure. (brochure on file in BOS office)
28. Noted copy mailed: Letter from Deborah Karlgren re Keeping of Pigeons at 379 Oak Street. Mr. Fiore will contact.
29. Noted copy mailed: Letter from Kim Beaudry re Eagle Scout Proclamations for Kenneth Collier and Robert Warren, Jr. Mr. Card volunteered to cover the Warren ceremony another Board member will cover the Collier event.
30. Noted copy mailed: Mr. Morgado's letter to Architectural Access Board re 1830 Brick School House.
31. Noted copy mailed: Letter from residents of Hills Farm Estates requesting speed limit & children playing signs. Forward to Police Dept. for recommendation along with a recent request for signage on Greenwood Avenue.
32. Noted copy mailed: Letter from Millbury resident requesting support in protection of the Blackstone River.
33. Noted copy mailed: Letter from US Conference of Mayors re helping working families achieve economic success.
34. Noted copy mailed: Notice of transfer of KFC of America Properties, Inc. to KFC U.S. Properties, Inc.
35. Noted copy mailed: Letter from Mayor Murray of the City of Worcester re MBTA rail service. A public hearing is scheduled to be held in Worcester on December 16th. Mr. Hale, Asst. Town Manager, will be asked to attend. Mr. Fiore will draft letter of support.
36. Noted copy mailed: ZBA Hearing Agenda, 12/17/02.

Mr. Fiore advised that discussion of the MMA Annual Meeting questions will be added to the December 16th agenda.

Motion was made, seconded, and unanimously voted to adjourn into executive session at 8:17 pm not to reconvene for the purpose of discussing real property.

Respectfully submitted,

Janice C. McCoy
Secretary